

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN L. WILLIAMS,)	
)	
Plaintiff)	Case No. 1:17-cv-00204
)	
vs.)	
)	
SUPERINTENDENT)	RICHARD A. LANZILLO
MICHAEL R. CLARK, ET AL.,)	UNITED STATES MAGISTRATE JUDGE
)	
Defendants)	
)	

O R D E R

Now before the Court is a motion filed by Plaintiff Shawn L. Williams entitled “Motion for the Court to Take Judicial Notice for the Need of Preliminary Injunction/Temporary Restraining Order, re: Plaintiff’s Stolen/Destroyed Legal Property, and Unwarranted Administrative Custody Status and Confinement.” ECF No. 77. The Court previously ordered the Defendants to respond, which they now have. *See* ECF No. 79.

At the outset, the Court cannot take judicial notice of the need for injunctive relief. Federal Rule of Evidence 201 authorizes a federal court to take judicial notice of “adjudicative facts,” not legal determinations. *Taylor v. Charter Medical Grp.*, 162 F.3d 827, 831 (5th Cir. 1998) (citing Charles Alan Wright & Kenneth W. Graham, *Federal Practice & Procedure: Evidence* § 5103 at 472–73 (1977) (courts cannot take judicial notice of legal determinations under Rule 201)). *See also Bayada Nurses, Inc., v. Blue Cross Blue Shield of Michigan*, 2008 WL 2945388 at *5 n. 8 (E.D. Pa. July 30, 2008) (holding inappropriate taking judicial notice of facts subject to reasonable dispute under Fed. R. Evid. 201(b)).

To the extent the instant motion challenges the Plaintiff’s December 12, 2018 placement in the Diversionary Treatment Unit (DTU), such a claim is inappropriately raised in this motion

and any challenge to that action should be filed as a separate claim in a separate lawsuit, after being appropriately exhausted.

To the extent Plaintiff complains of being deprived access to his legal materials, thereby preventing him from re-filing his claims against Defendants Harmon and Hammett as previously ordered by the Court (*See* ECF No. 64), Defendants indicate that Plaintiff has had an additional box of legal materials provided to him and that Plaintiff selected these materials himself. ECF No. 79 at 1. He may also exchange these materials after thirty days in the DTU. *Id.* Plaintiff also appears not to have exhausted his administrative remedies regarding the denial of his legal materials, having only filed an initial grievance on January 2, 2019.

Plaintiff's motion is hereby DENIED.

/s/ Richard A. Lanzillo
RICHARD A. LANZILLO
United States Magistrate Judge

Entered this 10th day of January, 2019.